

# Order

Michigan Supreme Court  
Lansing, Michigan

May 25, 2016

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2014-27

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

Amendment of Rule 2.305  
of the Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 2.305 of the Michigan Court Rules is adopted, effective September 1, 2016.

[The present language is amended as indicated below by underlining for new text and strikeover for text that has been deleted.]

## Rule 2.305 Subpoena for Taking Deposition

### (A) General Provisions.

- (1) Subpoenas shall not be issued except in compliance with MCR 2.306(A)(1). After serving the notice provided for in MCR 2.303(A)(2), 2.306(B), or 2.307(A)(2), a party may have a subpoena issued in the manner provided by MCR 2.506 for the person named or described in the notice. Service on a party or a party's attorney of notice of the taking of the deposition of a party, or of a director, trustee, officer, or employee of a corporate party, is sufficient to require the appearance of the deponent; a subpoena need not be issued.

(2)-(5)[Unchanged.]

(B)-(F)[Unchanged.]

*Staff Comment:* The amendment of MCR 2.305 clarifies that subpoenas requesting the production of documents shall be issued only after defendant has had reasonable time after the complaint is filed and served to obtain an attorney, as described in MCR 2.306(A)(1).

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 25, 2016

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk